

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 211

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE RIGHT TO FARM; AMENDING CHAPTER 45, TITLE 22, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 22-4505A, IDAHO CODE, TO PROVIDE FOR THE
RECOVERY OF COSTS, EXPENSES AND ATTORNEY'S FEES BY AN OWNER OR OPERATOR
OF AN AGRICULTURAL OPERATION OR FACILITY WHO PREVAILS IN AN ACTION AS-
SERTING THAT THE OPERATION OR FACILITY IS A NUISANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 45, Title 22, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 22-4505A, Idaho Code, and to read as follows:

22-4505A. COSTS -- EXPENSES -- ATTORNEY'S FEES. An owner or operator
of an agricultural operation or an agricultural facility who prevails in an
action asserting that the operation or facility is a nuisance shall be enti-
tled to recover the full costs, expenses and attorney's fees incurred as a
result of the action.